

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GREG SUDDRETH AND PAUL DUNTON,
On Behalf Of Themselves And All Others
Similarly Situated,

Plaintiffs,

v.

MERCEDES-BENZ USA, LLC

Defendant.

Civil Action No. _____

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

NATURE OF THE ACTION

1. Plaintiffs Greg Suddreth and Paul Dunton bring this action on behalf of themselves and all other similarly situated owners and lessees of Mercedes Benz branded automobiles in the United States equipped with Mercedes' M272 or M273 engines.¹ As detailed, herein, the subject engines are equipped with defective gears in their balance shafts (in the event of the M272 engines) or with defective idle gears (in the case of the M273 engines). These defective gears wear out prematurely, excessively, and without warning, causing the vehicle to malfunction, the "check engine light" to remain illuminated, and the vehicle to misfire and/or stop driving. The

¹ Mercedes' M272 engine is a V-6 engine first introduced in 2004, and found in the following Mercedes model vehicles in the following model years: Mercedes C 230, SLK 280, SLK 350, and CLS 350 (2004 to present); E 230, CLS 280, CLK 280, C 280, E 280, SL 280, C 350, E 350, S 350, SL 350, and Viano (2005 to present); R 280, R 350, ML 350, and Sprinter (2006 to present); S 280 (2007 to present); CLC 230, and CLC 350 (2008 to present). Mercedes' M273 engine is a V-8 engine first introduced in the model year 2006, and found in the following Mercedes model vehicles in the following model years: E 500/E 550, CL 500/CL 550, CLS 500/CLS 550, and GL 500/GL 550 (2006); GL 450, S 450, and ML 450 (2007); ML 500/ML 550 (2008); and, CLK 500/CLK 550 (2006 and 2009). The class seeks to represent owners and lessees of the foregoing model vehicles who also meet the additional criteria set forth in paragraphs 19 and 20 of this Class Action Complaint.

only recourse is to have the balance shaft or idle gear replaced, which is a large scale repair job, taking numerous days and costing several thousand dollars. Prior to and/or during the relevant time period as alleged herein, Defendant Mercedes-Benz USA, LLC (“Defendant” or “Mercedes”) has known of the existence and manifestation of this defect, as is documented in its own internal documents, but has failed to take appropriate corrective or remedial action, and has concealed the existence of this defect from unsuspecting owners and lessees. Both Plaintiffs are among the numerous owners of such vehicles that have had faulty balance shaft or idle gears, and have incurred thousands of dollars’ worth of repair bills as a result. Defendant’s conduct with regards to the sale, distribution, and repair (or lack thereof) of these vehicles amounts to a violation of Defendant’s common law and statutory duties, as detailed more fully herein.

JURISDICTION AND VENUE

2. This Court has subject matter over this action pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332 (as amended 2005) because the Complaint pleads a nationwide class action involving more than \$5 million in controversy, and involves a putative plaintiff class of diverse citizenship than Defendant.

3. This Court has personal jurisdiction over Defendant Mercedes-Benz USA, LLC because Defendant’s principal place of business is located within this judicial district at 3 Mercedes Drive in Montvale, New Jersey 07645.

4. Venue is proper in this district because Defendant is located and headquartered within this judicial district, such that the injection of the subject vehicles into the United States’ stream of commerce took place from within this judicial district. In addition, given Defendant’s headquarters in this district, most or a significant amount of documentary evidence and witnesses

are reasonably likely to be located within this judicial district. Venue in this district is therefore proper pursuant to 28 U.S.C. § 1391.

THE PARTIES AND THEIR EXPERIENCES

5. Plaintiff Greg Suddreth is a resident of Illinois, and an owner of a 2006 Mercedes ML-350 that he purchased from an authorized Mercedes dealer on approximately October 2006. The vehicle is equipped with Mercedes' M272 engine. On approximately February 2009, Plaintiff's vehicle began experiencing engine misfires, and had the "check engine light" illuminate without prior warning. Upon experiencing these issues, Plaintiff brought his vehicle in for repairs at the authorized Mercedes dealership. The dealership purported to repair the vehicle, kept it at the repair shop for approximately four weeks while repairs were being done, but in fact, failed to replace the vehicle's balance shaft, even though this was the actual cause of the vehicle's misfires and this problem was already known to Mercedes and its dealers. Shortly after receiving his vehicle back from the Mercedes dealership, Mr. Suddreth's vehicle again had its "check engine light" illuminate. Mr. Suddreth returned with his vehicle to the dealership's service department in November 2009. The Mercedes diagnostic scanner tool output a "Code 064," indicative of a problem with the vehicle's balance shaft, as had already been acknowledged in an internally disseminated Mercedes Technical Service Bulletin. Nevertheless, the dealership and Mercedes declined to replace the balance shaft, and demanded payment of \$500 just to "diagnose" the problem, even though Mercedes and its dealerships knew all along of the balance shaft issues plaguing Mr. Suddreth's vehicle. The problems continued to persist. In February 2010, almost one year to the day since the symptoms first exhibited themselves, Mr. Suddreth's vehicle again began misfiring.

6. Unable to obtain satisfactory repair at the Mercedes dealership, Mr. Suddreth

brought his vehicle to an independent Mercedes-Benz repair shop. That garage correctly diagnosed the source of the problem as a defective balance shaft gear that had worn prematurely and excessively. In addition, as a result of the ongoing wear on the balance shaft gears, the vehicle's cam sensor (which had already been replaced once by the Mercedes dealer) and air intake system had to be replaced, as metal shavings from the deteriorating balance shaft had been and were entering the air intake system. The independent Mercedes garage also showed Mr. Suddreth a Technical Service Bulletin that Mercedes had released internally to Mercedes technicians, acknowledging the problem with the balance shaft gears in the M272 engines. Replacement of the balance shaft, which was what was actually required, was to be an arduous and costly endeavor, and one for which the independent Mercedes repair shop was not equipped to undertake. Armed with this information, Mr. Suddreth returned with his vehicle to a Mercedes dealership. The dealership now confirmed that Mr. Suddreth's vehicle had a worn balance shaft gear that required replacement, and informed him that the repair would cost approximately \$6,000 and require several days' worth of work. Mercedes refused to cover the repair under the factory warranty, arguing that, as the vehicle had approximately 65,000 miles on it at the time of the defect's manifestation, the vehicle was now outside the warranty coverage term. This, despite the fact, that Mercedes had known all the while about the defect caused by its own making. Mr. Suddreth then contacted Mercedes Benz USA, LLC, but the representative to whom he spoke, Susan C., explicitly denied that there were any commonly occurring problems or defects affecting the balance shafts in vehicles like the one owned by Mr. Suddreth. This representation was directly contradicted by the written Technical Service Bulletins issued internally by Mercedes, which acknowledged and described the problem. Mercedes refused to assist Mr. Suddreth or cover any cost of the needed repairs to his vehicle, and instead, the

Mercedes dealership continued to demand the payment of money to diagnose the problem. To date, Mr. Suddreth has already expended several thousand dollars in repairs for his vehicle as a result of the alleged defect.

7. Plaintiff Paul Dunton is a resident of Massachusetts and the original owner of a 2006 Mercedes ML-350 that he purchased from an authorized Mercedes dealership. His vehicle is equipped with Mercedes' M272 engine. At some time in 2009, his vehicle's "check engine light" illuminated without prior warning, and the vehicle exhibited misfiring. As a result, Mr. Dunton's vehicle would not have passed Massachusetts' required state automobile inspection for renewal of its registration.

8. Mr. Dunton took his vehicle for repairs to an authorized Mercedes dealership. The dealership diagnosed the problem as a worn balance shaft gear that required replacement. Personnel at the Mercedes dealership confided to Mr. Dunton that this was a common problem known to Mercedes and affecting automobiles like his. The dealership informed Mr. Dunton that it would cost approximately \$4,200 to complete the required repairs. As a purported gesture of so-called "goodwill," recognizing the pervasiveness of this problem, the dealership agreed to contribute approximately \$2,100 towards the cost of the repair, leaving Mr. Dunton to pay the remaining \$2,100 approximate balance, which he did. The dealership took approximately 3 to 4 weeks total to complete the repairs. Subsequently, Mr. Dunton contacted Mercedes-Benz USA, LLC, but personnel there contradicted what the dealer informed him, and instead told Mr. Dunton (falsely) that there were no common problems with the balance shafts in vehicles like his.

9. Defendant Mercedes-Benz USA, LLC is a limited liability corporation having its

principal place of business at 3 Mercedes Drive in Montvale, New Jersey 07645. Defendant is a subsidiary of Daimler, Inc., the manufacturer of Mercedes-branded vehicles. Founded in 1965, Mercedes-Benz USA, LLC is responsible for the distribution and marketing of Mercedes and Maybach automobiles within the United States. Defendant was the entity responsible for injecting the Mercedes vehicles currently owned by Plaintiffs into the United States stream of commerce.

THE PERVASIVE NATURE OF THE PROBLEM

10. Plaintiffs' experiences are but two of the many similar situations encountered by owners or lessees of M272 or M273 engine-equipped Mercedes vehicles in the United States. Upon information and belief, the defect in the subject vehicles appears to be attributable to a defect in the materials selection and/or the manufacture or design of the balance shaft gear (in the case of the M272 engines) or the idle gear (in the case of the M273 engines) that causes the sprockets on the balance shaft in the M272 engine to wear prematurely and excessively, and likewise to cause the guide on the idler gear that drives the timing chain in the M273 engine to wear prematurely and excessively. Indeed, so pervasive is the problem, that a host of message boards for aggrieved Mercedes owners have arisen online. Even a cursory sampling of these documents how pervasive the problem is.

11. Attached as Exhibit 1 hereto are postings at an online message board found at a website entitled benzworld.org. The message board topic begins with a posting of an owner of a 2006 Mercedes C230 with only 31,000 miles that had to have the balance shaft replaced. (Ex. 1 at Posting No. 1). The reply postings reveal a steady stream of owners similarly affected. One poster relates that: "That's exactly what happened to mine. The CEL [check engine light] came on for both cams being out of time. When they tore the motor apart it turned out that the balance

shaft actually was worn causing it. Hopefully this won't happen again?" (*Id.*). Another owner posts that: "love my MB but am a real novice about anything automotive. CEL [check engine light] went on two days ago, brought it into MB and they told me that I needed to replace my balance shaft for a 06 E350 with 90k miles on it. Is this a common problem? I am being told it will take 3 days and \$4,000 to fix this which seems unbelievable when I have never had an issue with the car before." (*Id.* at Posting No. 12). Another post (this one by Plaintiff Dunton), relates that, "The dealer told me I had the same problem with the balance shaft, and told me it was a common problem, they would fix it for \$4000 and mercedes would kick in \$2000 because it is a common problem." (*Id.* at Posting No. 22). Yet another posting (this one by Plaintiff Suddreth) relates that "Was just told by my mechanic I have this issue." (*Id.* at Posting No. 37). Yet another poster to the same message board also informed that, "I was just informed that my 2006 e-350 needs to get the balance shaft replaced. Unfortunately, I am out of warranty; if they would have caught this problem 3 weeks ago when i brought it in for service, my warranty would have covered it." (*Id.* at Posting No. 52). And the postings continue, as another owner describes that, "I am about to have a Gear on the balance shaft on my 2006 C240 replaced. The CEL [check engine light] stays on after servicing. Estimated at \$4000.00. Is this normal? I have 68,000 miles." (*Id.* at Posting No. 61). Yet another aggrieved Mercedes owner posts that, "I have a 2006 ML350 with 56,000 miles at the dealer right now to replace the balance shaft. I've started a facebook page for owners who have had the same problems with that motor to get everyone together with this issue. Maybe a possible class action in the future???" (*Id.* at Posting No. 63).

12. The foregoing are but selected postings in only one online message board, but the problem is so pervasive that several other online message boards with similar experiences exist. Another message board entitled "ML-350 3.5L Balance Shaft Failure" at the peachparts.com

site, attached hereto as Exhibit 2, contains the following posting from a Mercedes owner, “What a surprise!.. Wife's '06 ML350 had intermittent CEL [check engine light]. Last year, dealer replaced cam /timing position sensors. Problem continued to occur with CEL coming on even more frequently. NOW, they tell me that the Balance Shaft has a bad gear and it is deteriorating. 73K miles. Thank goodness for extended warranties. Finding from other web site threads and blogs that MB USA is not consistent with the treatment of customers... some customers are bearing the full cost of the repair while others are being offered "good will" discounts. Appears there had been a service bulletin out for 2 1/2 years on this problem with no sign that MBUSA is stepping up to cover a known fault. roughly 10 updates to the bulletin adding vehicles to the list.” (Ex. 2 at Posting No. 1). In response, a poster to the same message board that is evidently a Mercedes mechanic relates that, “I've got two at my shop right now, an ML and an R Class. It looks like two of my guys will be busy for the next few days. They're both out of warranty, but I'm sure MB will help out.” (*Id.* at Posting No. 15).

MERCEDES ACTUAL KNOWLEDGE AND INTENTIONAL CONCEALMENT OF THE DEFECT

13. Mercedes has known all along about the existence of a defect with the balance shaft gears in its M272 engines and idle gears on its M273 engine, yet it has concealed that knowledge and deliberately omitted any information or dissemination about its existence to the unsuspecting putative class members.

14. Mercedes' knowledge of the defect is evidenced by the fact that at least as early as August 2007, Mercedes issued an internal Technical Service Bulletin that documented the problem and informed Mercedes technicians how to diagnose it and replace the defective balance shaft or idle gears. Further, to date, since the August 2007 initial release of the internal Technical Service Bulletin, Mercedes has issued approximately 10 amendments, supplements

or additional Technical Service Bulletins, all of which acknowledge the problem brought about by the defective balance shaft or idle gears.

15. The Technical Service Bulletins were disseminated internally by Mercedes to its repair technicians, and were not designed to and did not inform the general public, drivers, or lessees of affected vehicle about the defect. To the contrary, even while knowing all the while of the existence of this defect, Mercedes continued to offer for sale and sell the subject vehicles equipped with the M272 and M273 engines, and took no steps to replace the defective parts, or to otherwise remedy the defect.

16. That Mercedes knew and has known all along about the defect in its balance shaft gears is also independently confirmed by review of their diagnostic codes and manuals. When a Mercedes vehicle is brought in for repairs to an authorized Mercedes dealership, the technician may connect the vehicle to an electronic diagnostic scanner that will output a series of codes, which purport to store in the vehicle's computer memory a set of conditions that the vehicle has experienced. Armed with these codes, the Mercedes technician can turn to Mercedes repairs manuals that may document potential diagnoses of fault tree procedures to follow, given certain diagnostic code outputs from the scanner tool. For several years now, Mercedes diagnostic manuals have alerted its technicians that in vehicles equipped with the M272 engine, if the scanner outputs codes that correspond to retarded cam shafts on the engine, the Mercedes diagnostic manual instructs the repair technician to check for probable balance shaft gear wear, thereby highlighting that Mercedes already knew of this defect, its symptoms, and manifestations, yet concealed its existence from the driving and buying public.

17. Mercedes' knowledge and concealment of the defect is also independently evidenced

by the fact that, upon information and belief, only sometime in 2009, Mercedes eventually replaced the balance shaft gear in its M272 engine and the idle gear in its M273 engine for new vehicles coming off the assembly line with these engines. Yet, while it did that going forward, Mercedes took no action and made no disclosure as to the defective balance shaft and idle gears on the then existing Mercedes vehicles equipped with the M272 or M273 engines.

18. Mercedes' concealment and its omission of any disclosure of the defect in the affected automobiles was not merely a case of innocent omission or misrepresentation, but rather represents an intentional campaign to fraudulently deceive the buying public. Mercedes knew that, if it disclosed its knowledge of the existence of the defect in the balance shaft and idle gears, it would be liable for their replacement, and would face adverse consequences to its reputation and sales. In addition, failing to disclose the defect would allow Mercedes' dealerships to generate additional significant revenues from the cost associated with the replacement of the defective balance shaft and idle gears in vehicles that had experienced the manifestations of the defect. As a result, Mercedes sought to avoid this liability and adverse consequences, and at the same time to enhance the revenue stream to its dealership's repair garages, by intentionally and fraudulently concealing this defect.

CLASS ACTION ALLEGATIONS

19. Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs bring this action as a class action on behalf of all owners and lessees within the United States of Mercedes vehicles equipped with either the M272 or M273 engines, subject to the qualifications listed herein. Specifically, with respect to owners or lessees of Mercedes vehicles equipped with the M272, that portion of the class is limited to those owners of vehicles with M272 engines bearing serial numbers up to 2729..30 468993. With respect to owners or lessees of Mercedes vehicles

equipped with the M273, that portion of the class is limited to those owners of vehicles with M273 engines bearing serial numbers up to 2739..30 088611. Collectively, the foregoing vehicles are referred herein as the “subject vehicles.” Plaintiffs are both current owners of subject vehicles. Specifically excluded from the class are all judicial officers assigned to this case, as well as all federal and state employees, and the employees of Defendant or its corporate affiliates. Also excluded from the class definition are any individuals who allegedly have suffered personal injuries as a result of the alleged defects. Plaintiffs reserve to amend or supplement this class definition as discovery or other case development warrant.

20. In addition to the foregoing class definition, applicable to Counts I and II of this Complaint, for Counts III-VIII, Plaintiffs also seek to certify a subclass consisting of owners and lessees within the State of Illinois of the foregoing vehicles, and of owners and lessees within the Commonwealth of Massachusetts of the foregoing vehicles.

21. Although the exact number of class members is presently unknown, Plaintiffs are informed and believe and thereon allege that the class as well as the subclasses will number in the thousands of consumers, thereby making joinder impracticable.

22. Class certification is also appropriate because there are questions of fact and/or law that are common to the class members. Among these common questions of fact and/or law are:

- a. Whether Defendant is responsible for injecting allegedly defective vehicles in to the United States’ stream of commerce;
- b. Whether the subject vehicles are defective, and, if so, the nature of the defect;
- c. Whether Defendant’s conduct violates the New Jersey Consumer Fraud Act;
- d. Whether Defendant breached any duty imposed upon it by law;

- e. Whether any warranties, expressed or implied, were breached in connection with the sale and/or distribution of the subject vehicles;
- f. Whether class members are entitled to the relief sought, and if so, the proper scope of such relief, including, but not limited to the proper measure of damages.

23. Plaintiffs' claims are typical of the claims of the absent class members in that Plaintiffs, like all the absent class members, claim that they are either the owners or lessees of a Mercedes vehicle that is equipped with either an M272 or M273 engine that is defective. Plaintiffs are members of the class they seek to represent, and the claims they advances on their own behalf are identical to the claims asserted on behalf of the class.

24. Plaintiffs are adequate class representatives in that, as members of the class and as current owners of allegedly defective Mercedes vehicles equipped with the M272 or M273 engine, their interests are entirely aligned with those of the class. There are no individual conflicts that prevent Plaintiffs from adequately representing the class. Plaintiffs have also retained competent counsel experienced in class action litigation.

25. Class certification is proper because common questions of fact and law predominate over questions that may affect only individual members of the class or subclasses. The subject vehicles are manufactured on an assembly line setting, subject to a common design and manufacturing plan, such that evidence of a defect in the balance shaft or idle gears would be one that would predominate over the entire class membership, as would evidence of Defendant's course of action, knowledge of the alleged defect, and any alleged concealment thereof.

26. A class action presents a superior form of adjudication over individual litigation.

The costs of litigating this action against a large and sophisticated defendant like Defendant in comparison to the recovery or relief sought would make individual litigation impracticable. In addition, forcing individual litigation would risk the result of inconsistent rulings with respect to Defendant's duties owed to the various vehicle owners and lessees.

27. A class action is manageable. The proposed class represents an identifiable community that can be readily identified, and the relief sought is one that can be overseen by the Court.

COUNT I

(VIOLATION OF NEW JERSEY CONSUMER FRAUD ACT—ON BEHALF OF NATIONWIDE CLASS)

28. Plaintiffs hereby incorporate by reference all of the allegations of this Complaint with the same force and effect as if they had been fully restated herein.

29. Plaintiffs bring this count of their Complaint on behalf of the nationwide class alleged in Paragraph 19 *supra* (subject to Plaintiffs' reservation of rights to amend or supplement this class definition as case circumstances warrant) to seek redress for Defendant's violations of the New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-2.

30. Defendant's failure to disclose as well as its intentional and fraudulent omission from any of its advertising and sales materials or brochures of the subject vehicles' defects, as well Defendant's denial of warranty coverage for repairs required as a result of these defects that were known to it, but concealed from the public, amount to an unconscionable commercial practice, deception, fraud, false pretense, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of the subject vehicles, thereby violating N.J.S.A. §56:8-2.

31. Among other things, Defendant knew that the subject vehicles had a defect which would cause them to fail before their expected useful life, and intentionally concealed that information from class members, with the purpose of maximizing profit, thereby independently violating the New Jersey Consumer Fraud Act.

32. Plaintiffs and the class members have suffered an ascertainable loss and/or injury as a result of Defendant's violations of the New Jersey Consumer Fraud Act. Plaintiffs have had to expend significant money to cover the repair bills required as a result of the defects. Further, both Plaintiffs and all class members have sustained a diminished value of their vehicles as a result of the subject defect because, once the defect is disclosed as is being done through the filing of this lawsuit, the resale value of the vehicle will be negatively impacted as a specific and predictable result of the subject defect. In addition, each of the class members has further suffered an ascertainable loss or injury because none of them have received the benefit of their bargain in connection with their purchase or lease of the subject vehicle. Instead, each received a vehicle bearing a latent defect in its balance shaft or idle gears.

COUNT II

(BREACH OF EXPRESS WARRANTY – ON BEHALF OF NATIONWIDE CLASS)

33. Plaintiffs hereby incorporate by reference all of the allegations of this Complaint with the same force and effect as if they had been fully restated herein.

34. Plaintiffs Suddreth and Dunton are owners of Mercedes model vehicles equipped with the M272 engine containing the defect in the balance shaft gear detailed herein.

35. Like all such automobiles, when sold, the Plaintiff's vehicles were subject to an express factory warranty issued by Defendant, whose terms purported to provide coverage for repairs and defects for a period of the earlier of 4 years or 50,000 miles since the vehicles' in-service date to the vehicles' original and subsequent owners.

36. Specifically, the Mercedes express warranty provides, in pertinent part, that:

Mercedes-Benz USA, LLC (MBUSA) warrants to the original and each subsequent owner of a new Mercedes-Benz passenger car that any authorized Mercedes-Benz Center will make any repairs or replacements necessary, to correct defects in material or workmanship arising during the warranty period.

The Warranty documentation specifically states that Mercedes' "intention is to repair under warranty, without charge to you, anything that goes wrong with your car during the warranty period which is our fault."

37. As detailed herein, Plaintiffs' and class members' vehicles were defective within the warranty coverage period because a defect within the balance shaft gear or idle shaft was present from the date of the vehicles' manufacture.

38. Defendant has breached the terms of this express warranty by failing to correct, at no charge to class members, the subject defect. Rather, within the warranty coverage period, Defendant routinely denies that any such defect exists, or that its "discovery" has taken place outside the period of warranty coverage, and has therefore refused to repair the class members' vehicles, as required under the terms of Defendants' express warranty.

39. To the extent that Mercedes has claimed and continues to claim that it is justified in refusing to remedy and/or repair the subject defect in certain vehicles because the defect has been "discovered" only after the durational period of warranty coverage has elapsed, that practice amounts to an unconscionable business practice, rendering Mercedes' justification unenforceable, and as a result, Defendant is and should be ordered to remedy the defect under warranty.

40. Adhering to the durational period of the warranty is unconscionable because, inter alia, Defendant knew when it sold the subject vehicles (backed with the express warranty) that the defects alleged herein existed and failed to disclose the same to the vehicle owners, or to

exclude coverage for the same within the terms of the express warranty. The nature of the defects are such that they were known to Defendant but were not and could not have been known to, or discovered by, class members upon reasonable inspection of the vehicles prior to their purchase. Defendant's superior knowledge about the quality of the vehicles, including its defects, as well as Defendant being the sole issuer of the express warranty covering the subject vehicles, gave Defendant a superior bargaining power with respect to class members in setting forth the terms of the warranty coverage.

41. As a proximate, foreseeable, and direct result of Defendant's breach of its express warranty, Plaintiffs and the class members have suffered legal and actual injury, including the expenditure of money damages to have their vehicles repaired and associated expenses, damages associated with the loss of use and enjoyment of the vehicle, and damages associated with the decreased value of the vehicle.

COUNT III

(BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY— ON BEHALF OF ILLINOIS AND MASSACHUSETTS SUBCLASSES)

42. Plaintiffs hereby incorporate by reference all of the allegations of this Complaint with the same force and effect as if they had been fully restated herein.

43. Plaintiff Greg Suddreth alleges a claim for breach of the implied warranty of merchantability on behalf of a class of Illinois owners and lessees of the subject vehicles, and Plaintiff Paul Dunton alleges a claim for breach of the implied warranty of merchantability on behalf of a class of Massachusetts owners and lessees of the subject vehicles.

44. Defendant is a merchant with respect to the distribution, sale, and leasing of Mercedes automobiles in the United States. With respect to the sale or lease of Plaintiffs' automobiles, the Mercedes dealerships from which Plaintiffs purchased their respective vehicles

were acting as agents of Defendant. They were selected by Defendant, and authorized by Mercedes to represent themselves as Mercedes-authorized dealers. They were further authorized to offer Mercedes warranty coverage on the vehicles only subject to Defendant's authorization and criteria.

45. By operation of law, an implied warranty of merchantability from Defendant attached to each sale and lease of the subject vehicles warranting that the vehicles were of merchantable quality.

46. Because the subject vehicles contain a defect in their balance shaft or idle gears that causes them to be unduly prone to experience engine misfiring, having a "check engine light" condition, or to stop running, they are of unmerchantable quality, and Defendant has breached its implied warranty of merchantability.

47. The subject vehicles are not merchantable because, *inter alia*: they would not pass without objection in the trade under the contract description; they are not of fair average quality within the description; they are not fit for the ordinary uses for which such vehicles are used; and, they are not adequately labeled.

48. As a proximate and foreseeable result of this breach, Plaintiffs and the members of the subclasses have been injured by being forced to operate unmerchantable vehicles that did not correspond to the benefits of the subclass members' bargains.

COUNT IV

BREACH OF EXPRESS WARRANTY—ON BEHALF OF NATIONWIDE CLASS)

49. Plaintiffs hereby incorporate by reference each and every allegation of this complaint with the same force and effect as if it had been fully restated herein.

50. Plaintiffs hereby incorporate by reference each and every allegation of this

complaint with the same force and effect as if it had been fully restated herein.

51. Plaintiff Greg Suddreth alleges a claim for defective design strict liability on behalf of a class of Illinois owners and lessees of the subject vehicles, and Plaintiff Paul Dunton alleges a claim for defective design strict liability on behalf of a class of Massachusetts owners and lessees of the subject vehicles.

52. The subject vehicles are defectively designed automobiles in that they contain a design defect or flaw in their balance shaft or idle gears that causes the vehicles to be unduly prone to experiencing engine misfiring, “check engine light” conditions, or to stop running. The defect at issue is a latent one that would not be apparent to a reasonable consumer upon reasonable inspection. The defective design renders the subject vehicles inherently dangerous for their foreseeable and intended use of vehicular transport.

53. As a proximate and foreseeable result of this defective design, Plaintiffs and the members of the subclasses have been injured by being forced to operate defective and/or inherently dangerous vehicle.

54. Defendant is strictly liable for this design defect.

55. The damages or injury sustained by Plaintiffs and the members of the subclasses as a proximate result of the alleged design defect is the proximate result of Defendant’s business practice of supplying information for the guidance of others in their business transactions. In this regard, it is Defendant that supplies to each of its authorized Mercedes dealers the specific criteria for what repair work will be granted coverage under the Mercedes factory warranty, and what claims will be denied. This information from Defendant, in turn, guides the Mercedes dealers in deciding whether the repair work necessitated by the alleged defects was to be covered under the Mercedes factory warranty. It was Defendant, in exercising its business practice of

supplying such information to each of the independent dealers, that supplied guidelines and criteria pursuant to which the dealers denied warranty coverage for the alleged defect to Plaintiffs and members of the subclasses, even though Defendant knew that the need for repair work was brought about by the alleged defect that Defendant had kept concealed from the public.

56. In this regard, Defendant is also the entity responsible for supplying information to each of its authorized dealers, pursuant to which the dealers may initiate a customer satisfaction campaign to notify them of the need for repair or replacement of faulty or defective parts. In exercising that business duty, Defendant affirmatively decided that it would not supply Mercedes dealers within the United States with the requisite information needed for the dealers to implement such a customer satisfaction or other repair campaign.

COUNT V

(STRICT LIABILITY – DEFECTIVE MANUFACTURE-- ON BEHALF OF ILLINOIS AND MASSACHUSETTS SUBCLASSES)

57. Plaintiffs hereby incorporate by reference each and every allegation of this complaint with the same force and effect as if it had been fully restated herein.

58. Plaintiff Greg Suddreth alleges a claim for defective manufacture strict liability on behalf of a class of Illinois owners and lessees of the subject vehicles, and Plaintiff Paul Dunton alleges a claim for defective manufacture strict liability on behalf of a class of Massachusetts owners and lessees of the subject vehicles.

59. The subject vehicles are defectively manufactured automobiles in that they contain a manufacturing defect or flaw in their balance shaft or idle gears that causes the vehicles to be unduly prone to experiencing engine misfiring, “check engine light” conditions, or to stop running. The defect at issue is a latent one that would not be apparent to a reasonable consumer

upon reasonable inspection. The defective manufacture renders the subject vehicles inherently dangerous for their foreseeable and intended use of vehicular transport.

60. As a proximate and foreseeable result of this defective manufacture, Plaintiffs and the members of the subclasses have been injured by being forced to operate defective and/or inherently dangerous vehicle.

61. Defendant is strictly liable for this manufacturing defect.

62. The damages or injury sustained by Plaintiffs and the members of the subclasses as a proximate result of the alleged manufacturing defect are the proximate result of Defendant's business practice of supplying information for the guidance of others in their business transactions. In this regard, it is Defendant that supplies to each of its authorized Mercedes dealers the specific criteria for what repair work will be granted coverage under the Mercedes factory warranty, and what claims will be denied. This information from Defendant, in turn, guides the Mercedes dealers in deciding whether the repair work necessitated by the alleged defects was to be covered under the Mercedes factory warranty. It was Defendant, in exercising its business practice of supplying such information to each of the independent dealers, that supplied guidelines and criteria pursuant to which the dealers denied warranty coverage for the alleged defect to Plaintiffs and members of the subclasses, even though Defendant knew that the need for repair work was brought about by the alleged defect that Defendant had kept concealed from the public.

63. In this regard, Defendant is also the entity responsible for supplying information to each of its authorized dealers, pursuant to which the dealers may initiate a customer satisfaction or similar campaign to notify them of the need for repair or replacement of faulty or defective parts. In exercising that business duty, Defendant affirmatively decided that it would not supply

Mercedes dealers within the United States with the requisite information needed for the dealers to implement such a customer satisfaction or other repair campaign.

COUNT VI

(STRICT LIABILITY – FAILURE TO WARN-- ON BEHALF OF ILLINOIS AND MASSACHUSETTS SUBCLASSES)

64. Plaintiffs hereby incorporate by reference each and every allegation of this complaint with the same force and effect as if it had been fully restated herein.

65. Plaintiff Greg Suddreth alleges a claim for failure to warn strict liability on behalf of a class of Illinois owners and lessees of the subject vehicles, and Plaintiff Paul Dunton alleges a claim for failure to warn strict liability on behalf of a class of Massachusetts owners and lessees of the subject vehicles.

66. The subject vehicles do not contain any warning alerting their users that the vehicles are unduly prone to experience engine misfiring, a “check engine light” situation, or to stop running altogether, as a result of defective balance shaft or idle gears. This omission or failure to warn is unreasonable, and renders the vehicles inherently dangerous. Because the defect at issue is a latent one that would not be apparent to a reasonable consumer upon reasonable inspection, Defendant had a duty to provide a warning about it to the vehicle owners and lessees.

67. As a proximate and foreseeable result of this failure to warn, Plaintiffs and the members of the subclasses have been injured by being forced to operate an inherently dangerous vehicle and/or one that is unsuitable for its intended use.

68. Defendant is strictly liable for this failure to warn.

69. The damages or injury sustained by Plaintiffs and the members of the subclasses

as a proximate result of the alleged failure to warn are the proximate result of Defendant's business practice of supplying information for the guidance of others in their business transactions. In this regard, it is Defendant that supplies to each of its authorized Mercedes dealers the specific criteria for what repair work will be granted coverage under the Mercedes factory warranty, and what claims will be denied. This information from Defendant, in turn, guides the Mercedes dealers in deciding whether the repair work necessitated by the alleged defects was to be covered under the Mercedes factory warranty. It was Defendant, in exercising its business practice of supplying such information to each of the independent dealers, that supplied guidelines and criteria pursuant to which the dealers denied warranty coverage for the alleged defect to Plaintiffs and members of the subclasses, even though Defendant knew that the need for repair work was brought about by the alleged defect that Defendant had kept concealed from the public.

70. In this regard, Defendant is also the entity responsible for supplying information to each of its authorized dealers, pursuant to which the dealers may initiate a customer satisfaction or similar campaign to notify them of the need for repair or replacement of faulty or defective parts. In exercising that business duty, Defendant affirmatively decided that it would not supply Mercedes dealers within the United States with the requisite information needed for the dealers to implement such a customer satisfaction or other repair campaign.

COUNT VII
(NEGLIGENCE-- ON BEHALF OF ILLINOIS AND MASSACHUSETTS SUBCLASSES)

71. Plaintiffs hereby incorporate by reference each and every allegation of this complaint with the same force and effect as if it had been fully restated herein.

72. Plaintiff Greg Suddreth alleges a claim for negligence on behalf of a class of Illinois

owners and lessees of the subject vehicles, and Plaintiff Paul Dunton alleges a claim for negligence on behalf of a class of Massachusetts owners and lessees of the subject vehicles.

73. As the distributor into the United States' stream of commerce of a mass produced vehicle that would foreseeably be used by thousands of consumers, Defendant owed Plaintiffs and the class members a duty of reasonable care with respect to the distribution of the subject vehicle.

74. Defendant breached this duty of reasonable care by distributing a defective vehicle that was defective in the manner alleged herein.

75. As a proximate and foreseeable result of this breach, Plaintiffs and the members of the subclasses have been injured by, *inter alia*, being forced to operate a defective vehicle, being forced to pay significant repair costs and expenses, and sustaining a diminution of value to the subject vehicles attributable to the alleged defects.

COUNT VIII

(UNJUST ENRICHMENT)

76. Plaintiffs hereby incorporate by reference each and every allegation of this complaint with the same force and effect as if it had been fully restated herein.

77. Plaintiffs and the class members are each owners of Mercedes automobiles whose engines are defective in the manner detailed herein.

78. By purchasing a Mercedes branded automobile, Plaintiffs and the class members conveyed monetary as well as intangible benefits on Defendants, and Defendant appreciated and was enriched by those benefits.

79. As a result of Defendant's unjust and inequitable conduct alleged herein, including its

distribution of defective automobiles into the United States' stream of commerce, as well as its failure to properly remedy those defects, it would be unjust and inequitable for Defendant to be permitted to retain these benefits.

80. Plaintiffs and class members are, therefore, entitled to and hereby pray for a judgment of restitution, ordering Defendant to disgorge its ill-gotten gains to the class members.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the class and subclass members pray for judgment against Defendant as follows:

- a) That the Court determine that this action may be litigated as a class action, and that Plaintiffs and their counsel be appointed class representative and class counsel, respectively;
- b) That the Court enter judgment against Defendant and in favor of Plaintiffs, the class and the subclasses on all counts;
- c) That Defendant be required by this Court's Order to create a common fund to remedy the defects alleged herein, and to compensate all members of the class and subclasses for their damages and injuries, as well as to compensate Plaintiffs' counsel for their attorneys' fees and cost of suit; and, that Defendant be ordered to bear the cost of notice the absent class members, as well as of the administration of this common fund;
- d) That damages and/or restitution or disgorgement be awarded to each Plaintiff and class or subclass member according to proof;
- e) That the Court award Plaintiffs and the members of the class and subclasses punitive damages assessed against Defendant;

- f) That Plaintiff and the class members be awarded all such other relief as this Court deems just and proper.

Plaintiffs request a jury trial on all counts so triable.

Dated this 5th day of October, 2010.

Respectfully submitted,

KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C.

A handwritten signature in black ink, appearing to read 'G. Graifman', is written over a horizontal line.

Gary S. Graifman
210 Summit Avenue
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Tel: (201) 391-7000
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Additional Plaintiff's Counsel (*pro hac vice* application to be filed):

Roy A. Katriel

THE KATRIEL LAW FIRM

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Washington, DC 20007

Tel: (202) 625-4342

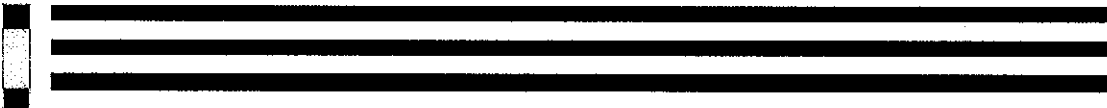
Fax: (202) 330-5593

EXHIBIT 1

BenzWorld.org is the premier Mercedes-Benz Forum on the internet. Registered Users do not see the above ads.

<p>11-01-2009, 12:10 PM</p> <p>Achped BenzWorld Junior Member</p> <p>Date registered: Jul 2009 Vehicle: 2006 C230 Sport Location: Hawaii Posts: 21</p>	<p>#1 (permalink)</p> <p>Has anyone ever had to replace their balance shaft?</p> <p>I just picked my car up last week from the dealer, they had it all week ('06 C230 31,00 miles still under warranty)</p> <p>Is this common? I have searched and searched but it seems like it only happens to other models, not so much the 2.5L in the C230.</p>
<p>11-08-2009, 10:39 AM</p> <p>Achped BenzWorld Junior Member</p> <p>Date registered: Jul 2009 Vehicle: 2006 C230 Sport Location: Hawaii Posts: 21</p>	<p>#2 (permalink)</p> <p>SO uhh, is that a no?</p>
<p>11-19-2009, 06:34 PM</p> <p>MBtech2009 BenzWorld Member ★</p> <p>Date registered: Nov 2009 Posts: 92</p>	<p>#3 (permalink)</p> <p>Hi there, i am actually a <u>Mercedes-benz</u> technician in North Carolina. To answer your question, this is not a very common problem, it mostly only affects the earlier 272 and 273 motors, which are the newer generation of v6 and v8 engines. Due to what i assume to be a problem with the manufacturer of the balance shafts, the gear on the end of the balance shaft actually wears down, making the gear smaller and causing the right side camshafts to be very slightly out of time. This causes the check engine light to turn on. As a side note, the 273 motors do not have a balance shaft, they just have an idler gear that the timing chain rides on. I hope this helps. 😊</p>
<p>11-21-2009, 07:09 AM</p> <p>Achped BenzWorld Junior Member</p> <p>Date registered: Jul 2009 Vehicle: 2006 C230 Sport Location: Hawaii Posts: 21</p>	<p>#4 (permalink)</p> <p>Thats exactly what happened to mine. The CEL came on for both cams being out of time. When they tore the motor apart it turned out that the balance shaft actually was worn causing it.</p> <p>Hopefully this won't happen again?</p>
<p>11-22-2009, 07:55 AM</p> <p>MBtech2009 BenzWorld Member ★</p> <p>Date registered: Nov 2009 Posts: 92</p>	<p>#5 (permalink)</p> <p>it shouldn't, the new balance shaft they put in should not wear. The gear on the new shaft should be properly hardened so i don't think you will need to worry about it.</p> <p><i>Last edited by MBtech2009; 11-23-2009 at 04:09 PM.</i></p>
<p>11-22-2009, 08:06 AM</p> <p>eric242340 Moderator ★</p> <p>Date registered: May 2007 Vehicle: S320 (W220) and Zotye 1.3 Location: Zhenzhou, Henan, China Posts: 17,332</p>	<p>#6 (permalink)</p> <p>Quote:</p> <p>Originally Posted by MBtech2009 : <i>Hi there, i am actually a Mercedes-benz technician in North Carolina. To answer your question, this is not a very common problem, it mostly only affects the earlier 272 and 273 motors, which are the newer generation of v6 and v8 engines. Due to what i assume to be a problem with the manufacturer of the balance shafts, the gear on the end of the balance shaft actually wears down, making the gear smaller and causing the right side camshafts to be very slightly out of time. This causes the check engine light to turn on. As a side note, the 273 motors do not have a balance shaft, they just have an idler gear that the timing chain rides on. I hope this helps. 😊</i></p> <p>He is correct and the 272 was about the worst for this problem but this is the first time I have heard of it on a C Class.</p> <p>ERIC.</p>

11-22-2009, 01:02 PM	#7 (permalink)
2006c230Mike BenzWorld Junior Member Date registered: Nov 2008 Location: Boca Raton, FL Posts: 10	Yup, I had the same problem. But the dealer said they replaced the bearing, not the shaft. So, I'm concerned it may show up again. Is the problem the shaft or the bearing? Thanks, I have about 2500 miles left on the warranty.
11-23-2009, 04:12 PM	#8 (permalink)
MBtech2009 BenzWorld Member ★ Date registered: Nov 2009 Posts: 92	i think the dealer probably just wasn't clear with what they said. I am pretty sure that there isn't a replaceable bearing for the balance shaft, i think the bearing is actually made into the engine block, but i am not sure. I would be very surprised if they did something other than the balance shaft or intermediate gear (if you have a v8)
11-24-2009, 03:49 PM	#9 (permalink)
Strictly4Boosting BenzWorld Member ★ Date registered: Mar 2009 Posts: 60	im a lil worried how do i know if i participate i have an 07 benz ... but could of been made in 06 ... anyone know? ill go check the production date on the door ... 07 c230
	#10 (permalink)
MBtech2009 BenzWorld Member ★ Date registered: Nov 2009 Posts: 92	if there was some way you could send me you vin number, i could check your engine number and see if it is before or after the clean point for the engines that have the updated balance shaft.



youngturkualc BenzWorld Newbie Date registered: Dec 2009 Posts: 2	novice needs balance shaft help love my MB but am a real novice about anything automotive. CEL went on two days ago, brought it into MB and they told me that I needed to replace my balance shaft for a 06 E350 with 90k miles on it. Is this a common problem? I am being told it will take 3 days and \$4,000 to fix this which seems unbelievable when I have never had an issue with the car before.
12-05-2009, 07:14 AM	#13 (permalink)
eric242340 Moderator ★ Date registered: May 2007 Vehicle: S320 (W220) and Zotye 1.3 Location: Zhenzhou, Henan, China Posts: 17,332	Unfortunately yes on your engine the balance shaft was a problem. ERIC.
12-05-2009, 03:40 PM	#14 (permalink)

MBtech2009 BenzWorld Member ★ Date registered: Nov 2009 Posts: 92	<p>Yep, there is nothing you could have done or not done, the gear on your balance shaft has worn down and now your entire engine will have to be removed and disassembled in order to replace it, so \$4000 sounds about right. I am not sure how car manufacturers decide when to do a recall on a part, but to me it seems like all of these cars with failing balance shafts should be covered by mercedes-benz. I am sure there is some kind of person at mbusa that calculates how much it would cost to recall all of these cars with the faulty balance shafts, and how many of them are going to make it out of warranty and decides whether or not to do a recall. I would probably write a letter to MBUSA and let them know that you are disappointed that they would let so many cars go out of warranty with this problem, and maybe they will do something about it in the future. If you do get it replaced at the dealership, make sure to save your receipt, because if they do come out with a recall for this you will be able to get your money reimbursed to you from mbusa.</p> <p><i>Last edited by MBtech2009; 12-05-2009 at 03:48 PM.</i></p>
12-05-2009, 05:06 PM youngturkualc BenzWorld Newbie Date registered: Dec 2009 Posts: 2	#15 (permalink) <p>thank you</p> <p>a big thank you to you guys for taking the time to reach out and answer me, i greatly appreciate it</p>
12-05-2009, 07:33 PM rudenev BenzWorld Elite ★ Date registered: Dec 2004 Vehicle: 2002 C240 (current), 2001 ML320 (former) Location: Birmingham, AL Posts: 1,864	#16 (permalink) <p>Quote:</p> <p>Originally Posted by MBtech2009 ★ <i>Yep, there is nothing you could have done or not done, the gear on your balance shaft has worn down and now your entire engine will have to be removed and disassembled in order to replace it, so \$4000 sounds about right. I am not sure how car manufacturers decide when to do a recall on a part, but to me it seems like all of these cars with failing balance shafts should be covered by mercedes-benz. I am sure there is some kind of person at mbusa that calculates how much it would cost to recall all of these cars with the faulty balance shafts, and how many of them are going to make it out of warranty and decides whether or not to do a recall. I would probably write a letter to MBUSA and let them know that you are disappointed that they would let so many cars go out of warranty with this problem, and maybe they will do something about it in the future. If you do get it replaced at the dealership, make sure to save your receipt, because if they do come out with a recall for this you will be able to get your money reimbursed to you from mbusa.</i></p> <p>The key word to use when trying to get this paid for by MBZ is "goodwill". They don't like to admit that they have defective parts, but they will sometimes help customers with expensive repairs, especially when the customer know it's a common problem and they are not long out of the warranty period.</p> <p>--</p> <p>- RODNEY</p>
12-06-2009, 12:21 AM erlc242340 Moderator ★ Date registered: May 2007 Vehicle: S320 (W220) and Zotye 1.3 Location: Zhenzhou, Henan, China Posts: 17,332	#17 (permalink) <p>Quote:</p> <p>Originally Posted by rudenev ★ <i>The key word to use when trying to get this paid for by MBZ is "goodwill". They don't like to admit that they have defective parts, but they will sometimes help customers with expensive repairs, especially when the customer know it's a common problem and they are not long out of the warranty period.</i></p> <p>Very good point and he should seriously think about your point. ☺</p>
12-06-2009, 07:38 AM MBtech2009 BenzWorld Member ★ Date registered: Nov 2009 Posts: 92	#18 (permalink) <p>I doubt that the dealer would goodwill this repair, seeing as you have 90k miles and it's an 06, maybe if it was just out of warranty, like 52k miles. Note: in the USA all of the dealerships, except one in manhattan, are privately owned, they are not actually part of MBUSA, but i would say it is worth a try, especially if you have been a loyal customer to this dealership and have had all your services done there.</p>
12-12-2009, 05:12 AM	#19 (permalink)

<p><u>jerk_chicken</u> BenzWorld Extremist ★</p> <p>Date registered: Jun 2008 Vehicle: 2000 w203 c200k (Yes, it's a w203 from Germany) Location: Germany Posts: 1,052</p>	Wow, amazing this kind of expensive problem exists.
<p>12-14-2009, 07:04 AM</p> <p><u>Strictly4Boosting</u> BenzWorld Member ★</p> <p>Date registered: Mar 2009 Posts: 60</p>	<p>#20 (permalink)</p> <p>I think forming a pact and having the same people all together in this forum to correct the problem of the balance shaft they have to recall all those cars and fix them before the problem gets worse.</p>

<p>12-14-2009, 07:09 AM</p> <p><u>eric242340</u> Moderator ★</p> <p>Date registered: May 2007 Vehicle: S320 (W220) and Zofye 1.3 Location: Zhenzhou, Henan, China Posts: 17,333</p>	<p>#21 (permalink)</p> <p>Quote:</p> <p>Originally Posted by <u>Strictly4Boosting</u> : <i>I think forming a pact and having the same people all together in this forum to correct the problem of the balance shaft they have to recall all those cars and fix them before the problem gets worse.</i></p> <p>Nice to see you are getting the picture. 🍷</p> <p>ERIC.</p>
<p>12-22-2009, 12:45 PM</p> <p><u>pauldunton</u> BenzWorld Junior Member</p> <p>Date registered: Dec 2009 Posts: 6</p>	<p>#22 (permalink)</p> <p>The dealer told me I had the same problem with the balance shaft, and told me it was a common problem, they would fix it for \$4000 and mercedes would kick in \$2000 because it is a common problem. They also told me it was not a safety issue or performance issue and not to worry about it. Well the State of Massachusetts will not give me an inspection sticker so I have to worry about it. I just called Mercedes Benz USA where the lady I spoke with told me it is not a common problem and everyone on this website is a liar. They told me if it were a common problem it would have been recalled. I will continue to fight with them and potential start a class action lawsuit if enough people have had the same problems. I will keep you all informed of my progress.</p>
<p>12-22-2009, 05:51 PM</p> <p><u>MBtech2009</u> BenzWorld Member ★</p> <p>Date registered: Nov 2009 Posts: 92</p>	<p>#23 (permalink)</p> <p>I guess it all depends on your definition of common is. I've seen some campaigns that mercedes has done that only covered 14 cars. I just think that they are studying this problem and trying to figure out the best way to deal with it. I am sure this problem is happening all over the world and something is going to have to be done about it.</p>
<p>12-22-2009, 07:57 PM</p> <p><u>eric242340</u> Moderator ★</p> <p>Date registered: May 2007 Vehicle: S320 (W220) and</p>	<p>#24 (permalink)</p> <p>I will give you a little known thing here, when we test the car using DAS and find a fault code leading to the two exhaust cams being fully retarded if we click on the fault code to find out what to do next it tells us to check for balance shaft wear.</p> <p>This means that MB know of this problem and have done for a long time. 😊</p>

Zotye 1.3
Location: Zhenzhou, Henan,
China
Posts: 17,333

12-22-2009, 10:05 PM

#25 (permalink)

jerk_chicken
BenzWorld Extremist
★

The best way to deal with it is have the owners pay because they know most of them will. Hell, you even see people on this forum flaunting their repair or maintenance bills at the dealers as a sign of status or privilege.

Date registered: Jun 2008
Vehicle: 2000 w203 c200k
(Yes, It's a w203 from
Germany)
Location: Germany
Posts: 1,052

12-23-2009, 03:48 PM

#26 (permalink)

MBtech2009
BenzWorld Member
★

Mercedes has had a bulletin about this issue since august 23 2007. They have made 10 revisions to the bulletin over the past 2 years, which mainly consist of adding more models that the bulletin relates to and revising the content of the bulletin slightly. So they have known about this since at least then, and probably earlier since i am sure they have to research the issue before they issue the bulletin. I can say for a fact that my dealership has done 4 balance shaft replacements in the past month. I know that some dealers are doing way more than that a month. So lets say 4 per month times roughly 300 dealers, that's roughly 1200 a month, and in my opinion that's alot. I think that so far all of the ones that we have done were either under warranty or our dealer covered it under goodwill. I really hope that mercedes decides to make some kind of extended warranty on this part for the vehicles in the affected range.

Date registered: Nov 2009
Posts: 92

12-24-2009, 08:48 AM

#27 (permalink)

jerk_chicken
BenzWorld Extremist
★

Not without a class action threat, like with the v8's that had the problem oil passages.

Date registered: Jun 2008
Vehicle: 2000 w203 c200k
(Yes, It's a w203 from
Germany)
Location: Germany
Posts: 1,052

12-24-2009, 09:40 AM

#28 (permalink)

rlb190a
Moderator
★

I just finally got around to reading this thread. I'm hoping my '07 is in the clear but it's got a 9/06 production date. Besides the check engine light what other symptoms would you see if your engine has this problem? Noisy, rough rough running, poor mileage?

Date registered: Apr 2006
Vehicle: '98 C230 '07 C230
Sport '86 2.3-16
Location: Delaware Beach
Posts: 3,589

12-24-2009, 08:43 PM

#29 (permalink)

F150SC
BenzWorld Member
★

I have an 06 C230 with a 09-05 built date, it now has 44K miles, and is now driven only 6K miles/year. I decided not to worry about this balance shaft albatross, I will deal with it when it happens. I have finally decided that these new Mercedes Benz have an ownership experience more in the realm of owning an Alfa Romeo, nice exclusive good cars, but a little bit temperamental, and definitely will never earn the mileage badge Mercedes use to issue.
My old 96 C220 is now only 15K miles away from the badge.

Date registered: Feb 2008
Vehicle: 2006 C230 Sport, 96
C220, 06 Ford F150Sc, 04
Honda Pilot EXL

Location: Rancho Belago ,
California
Posts: 51

12-24-2009, 09:49 PM

#30 (permalink)

jerk_chicken
BenzWorld Extremist

★

Date registered: Jun 2008
Vehicle: 2000 w203 c200k
(Yes, it's a w203 from
Germany)
Location: Germany
Posts: 1,052

I was showing this to my gf and her family, who recently started dumping their MB's after some 40 years of ownership. We're all glad that we "accidentally" got an m111 c-klasse, rather than going for a slightly newer, m271 disaster. Man, what is up with these engines? Cylinder heads, balance shafts, timing sets, cam sensors, cps sensors...etc. Is it that the bulk of people with Benzes drive them infrequently, so they ride out the warranty before they get up to mileage where things prematurely fail? Even out on this market, it was easy to find low-mileage MB's, while damn near impossible to find low-mileage Audis, just like in the US. Hell, I used to do 40k a year on mine. My 2000 C200k was purchased at less than 40k miles a year and a half ago.

12-25-2009, 06:19 PM

#31 (permalink)

F150SC
BenzWorld Member

★

Date registered: Feb 2008
Vehicle: 2006 C230 Sport, 96
C220 , 06 Ford F150Sc, 04
Honda Pilot EXL
Location: Rancho Belago ,
California
Posts: 51

Quote:

Originally Posted by **jerk_chicken** :

I was showing this to my gf and her family, who recently started dumping their MB's after some 40 years of ownership. We're all glad that we "accidentally" got an m111 c-klasse, rather than going for a slightly newer, m271 disaster. Man, what is up with these engines? Cylinder heads, balance shafts, timing sets, cam sensors, cps sensors...etc. Is it that the bulk of people with Benzes drive them infrequently, so they ride out the warranty before they get up to mileage where things prematurely fail? Even out on this market, it was easy to find low-mileage MB's, while damn near impossible to find low-mileage Audis, just like in the US. Hell, I used to do 40k a year on mine. My 2000 C200k was purchased at less than 40k miles a year and a half ago.

I now drive my 2006 C230 infrequently, but my extended warranty ends on 12-2010. I now resign myself to balance shaft repair sometime, in the next few years. No matter how well they road tested the new W204, a part supplier will always screw things up, I predict a new mechanical issue will show up on the new W204 as well, just as they did on our W203. Anyway I still like these cars.

12-25-2009, 10:54 PM

#32 (permalink)

jerk_chicken
BenzWorld Extremist

★

Date registered: Jun 2008
Vehicle: 2000 w203 c200k
(Yes, it's a w203 from
Germany)
Location: Germany
Posts: 1,052

parts suppliers always screw up, but it appears to be at a very incidence for parts that are typically considered lifetime. Couple this with the leaking cam sensors and the m271 head problems, and this engine is truly a disaster. Regardless of it being a parts supplier, the end consumer does not deal with them- they deal with Mercedes, and typically, when parts fail, it's due to bean counting and lack of oversight from the company requesting the parts, in addition to using ones that are inappropriate for an application.

Just because you're resigned to balance shaft repair doesn't mean it's right, and it's typical behavior like that which has allowed mercedes to slip so far down the shitter- they know they will always have customers like you, whom they don't have to try at all to get business from.

12-25-2009, 11:16 PM

#33 (permalink)

F150SC
BenzWorld Member

★

Date registered: Feb 2008
Vehicle: 2006 C230 Sport, 96
C220 , 06 Ford F150Sc, 04
Honda Pilot EXL
Location: Rancho Belago ,
California
Posts: 51

Quote:

Originally Posted by **jerk_chicken** :

parts suppliers always screw up, but it appears to be at a very incidence for parts that are typically considered lifetime. Couple this with the leaking cam sensors and the m271 head problems, and this engine is truly a disaster. Regardless of it being a parts supplier, the end consumer does not deal with them- they deal with Mercedes, and typically, when parts fail, it's due to bean counting and lack of oversight from the company requesting the parts, in addition to using ones that are inappropriate for an application.

Just because you're resigned to balance shaft repair doesn't mean it's right, and it's typical behavior like that which has allowed mercedes to slip so far down the shitter- they know they will always have customers like you, whom they don't have to try at all to get business from.

So far I have been lucky, no problems with my Mercedes Benz, all three of them, but I gave up in getting any good expectations from this company, I always keep two cars just for myself, the other brand is Ford, similar quality levels , but 50% cheaper in price, next car is a Mustang GT V8

12-27-2009, 05:50 PM	#34 (permalink)
jmlynick BenzWorld Junior Member ★ Date registered: Dec 2009 Posts: 26	Do the M111 or M112 engines suffer from this Balance Shaft Problem?? I am looking to buy one of these: "02 C230 K Coupe - assumed to be an M111 engine "03 C230 K Coupe - assumed to be an M111 engine "04 C320 Coupe - assumed to be an M112 engine Help me avoid making a costly mistake - Thanks
12-27-2009, 08:00 PM	#35 (permalink)
eric242340 Moderator ★ Date registered: May 2007 Vehicle: S320 (W220) and Zotye 1.3 Location: Zhengzhou, Henan, China Posts: 17,333	Quote: Originally Posted by jmlynick ▶ Do the M111 or M112 engines suffer from this Balance Shaft Problem?? I am looking to buy one of these: "02 C230 K Coupe - assumed to be an M111 engine "03 C230 K Coupe - assumed to be an M111 engine "04 C320 Coupe - assumed to be an M112 engine Help me avoid making a costly mistake - Thanks As far as I know it is only the 271/272 engines, but I may be wrong. ERIC.
12-28-2009, 01:20 AM	#36 (permalink)
jerk_chicken BenzWorld Extremist ★ Date registered: Jun 2008 Vehicle: 2000 w203 c200k (Yes, it's a w203 from Germany) Location: Germany Posts: 1,052	How bad of a job is it for one to do on their own? Cost of parts?
02-04-2010, 02:25 PM	#37 (permalink)
suds4333 BenzWorld Newbie Date registered: Feb 2009 Posts: 4	Same issue with my 06 ML 350 Was just told by my mechanic I have this issue. I actually had it in to the dealer a year ago with a cam shaft sensor issue and they did not replace this. I am looking for others to look into a class action lawsuit. My current mechanic provided me all the bulletins that have been issued on this at well. Contact me at greg@suddreth.com
02-05-2010, 05:48 AM	#38 (permalink)
pauldunton BenzWorld Junior Member Date registered: Dec 2009 Posts: 6	Quote: Originally Posted by suds4333 ▶ Was just told by my mechanic I have this issue. I actually had it in to the dealer a year ago with a cam shaft sensor issue and they did not replace this. I am looking for others to look into a class action lawsuit. My current mechanic provided me all the bulletins that have been issued on this at well. Contact me at greg@suddreth.com Thats exactly what happened to me with the cam shaft sensor 8 months before balance shaft. My car went in to shop for balance shaft in December, got it back a week later and CEL came on again. Has now been back in shop for the last 3 weeks, they apparently screwed something up doing the balance shaft and are now doing it all over again.
02-08-2010, 09:24 PM	#39 (permalink)
suds4333 BenzWorld Newbie	All right folks, it is time to unite. After reading this board and several others and talking to my mechanic, it looks like there is a significant issue with the balance shaft. My MB dealer, the first time I had it in, did a short term fix to get me off their butts and out of warranty by changing the cam shaft sensors. By here I am a couple round of new

Date registered: Feb 2009
Posts: 4

sensors and an honest mechanic later and the issue is the balance shaft and the timing. I can be reached at greg@suddreth.com or 815-557-5731. Most of us have probably spent 1000's of dollars on this and enough is enough.

02-13-2010, 08:02 AM

#40 (permalink)

Epmills
BenzWorld Newbie

Date registered: Mar 2008
Posts: 3

There is no temporary fix for this, even by replacing all cam solenoids and clearing the faults in the ME the check engine light will return within a day. Replacing cam adjustment solenoids is a extremely common repair, they go bad all the time. I assume over time MB will probably not release a recall, but extend the warrenty like they did with 220 Instrument clusters and 211 SBC pumps. That being said though, everyone that runs into this problem should ask for goodwill help since this is a almost guaranteed problem with 06 and 07 cars before they hit 100k.

02-13-2010, 08:10 AM

#41 (permalink)


eric242340
Moderator

Date registered: May 2007
Vehicle: S320 (W220) and
Zotyë 1.3
Location: Zhenzhou, Henan,
China
Posts: 17,333

Quote:

Originally Posted by **Epmills** :

There is no temporary fix for this, even by replacing all cam solenoids and clearing the faults in the ME the check engine light will return within a day. Replacing cam adjustment solenoids is a extremely common repair, they go bad all the time. I assume over time MB will probably not release a recall, but extend the warrenty like they did with 220 Instrument clusters and 211 SBC pumps. That being said though, everyone that runs into this problem should ask for goodwill help since this is a almost guaranteed problem with 06 and 07 cars before they hit 100k.

The most accurate and honest reply I have read so far 

ERIC.

02-13-2010, 01:40 PM


#42 (permalink)

Epmills
BenzWorld Newbie

Date registered: Mar 2008
Posts: 3

Quote:

Originally Posted by **eric242340** :

The most accurate and honest reply I have read so far 

Haha why thank you, if you ever stop by the states and Visit the STL area let me know and i'll fix your car right.

02-27-2010, 07:14 AM

#43 (permalink)

cmitch
Premium Member

Date registered: Apr 2005
Vehicle: 2002 ML320, 2006
ML350 SOLD, 2010 F150 Crew
Cab
Location: Ala-Tenn
Posts: 8,518

Quote:

Originally Posted by **F150SC** :

I have an 06 C230 with a 09-05 built date, it now has 44K miles, and is now driven only 6K miles/year. I decided not to worry about this balance shaft albatross, I will deal with it when it happens. I have finally decided that these new Mercedes Benz have an ownership experience more in the realm of owning an Alfa Romeo, nice exclusive good cars, but a little bit temperamental, and definately will never earn the mileage badge Mercedes use to issue.

My old 96 C220 is now only 15K miles away from the badge.

Tempermental would describe a vehicle that needs to be petted and meticulously maintained. This is an outright manufacturing flaw. In itself, it lets down the consumer and creates an atmosphere of arrogance on MB's part if they look away while whistling past the graveyard on this issue. While my own research hasn't turned up the probability that ALL engines that fall into the serial # range will have a balance shaft failure, it does seem likely that with most 272's it's not a question of if, but when.

When I purchased my ML350, I was immediately impressed with the quality that was miles above their predecessor, the W163. As with any thrill of ownership, Mercedes manages to snuff it out with their inability to step up to the plate and do right by their customers and fix these before possible permanent damage is done.

03-09-2010, 03:01 AM

#44 (permalink)

samm
BenzWorld Member

 **balance shaft replacement!! Urgent help needed!**

Hey guys,
thought I'd put a little info here for those who cant afford to let the dealer take 4500 to do this job. I will do a full write up of how I went about it in due course...

Date registered: Jan 2004
 Vehicle: Mercedes 300E 1991
 Location: London England
 Posts: 101

But now I need some urgent help please. I need someone who has the WIS software to please tell me how to set the position of the camshafts as the timing was messed up due to the massively worn out balance shaft.

Its a 2006 clk350 with 272.960 engine. I have the alldata settings but they appear to be wrong as the camshafts are completely wrongly set (wrong valves will be opening contrary to the firing order 1,4,3,6,2,5) if I go with their setting.

I really would appreciate the help and I will be helping others with my write up as well.

Thank you very much in advance.

03-09-2010, 07:34 PM

#45 (permalink)

F150SC
 BenzWorld Member

★

Date registered: Feb 2008
 Vehicle: 2006 C230 Sport, 96
 C220, 06 Ford F150Sc, 04
 Honda Pilot EXL
 Location: Rancho Belago,
 California
 Posts: 51

Quote:

Originally Posted by **cmitch** ⚡

Tempermental would describe a vehicle that needs to be petted and meticulously maintained. This is an outright manufacturing flaw. In itself, it lets down the consumer and creates an atmosphere of arrogance on MB's part if they look away while whistling past the graveyard on this issue. While my own research hasn't turned up the probability that ALL engines that fall into the serial # range will have a balance shaft failure, it does seem likely that with most 272's it's not a question of if, but when.

When I purchased my ML350, I was immediately impressed with the quality that was miles above their predecessor, the W163. As with any thrill of ownership, Mercedes manages to snuff it out with their inability to step up to the plate and do right by their customers and fix these before possible permanent damage is done.

To be fair to Mercedes Benz, all newer cars are designed to be very reliable the first 5 years (MBZ included), however after 5 years or 50K miles all the electronics and other stuff the like balance shafts and variable valve etc, will periodically fail. The most common survivors today are the old W123, I see lots of them, they were robust and simple. All new cars are just too complex. Even Toyotas are unreliable.

03-11-2010, 03:22 PM

#46 (permalink)

jimgar
 BenzWorld Junior Member

Date registered: Apr 2009
 Vehicle: Mercedes Benz C350
 4Matic 2006
 Location: Connecticut
 Posts: 12

After reading this thread and looking at other references about the balance shaft issue on other forums, I've learned that my 06 C350's vin falls under the range of affected models.

I'm glad I still have part of my warranty left, but it really has me worried about a looming \$4000 repair that could possibly happen after it runs out. Does anyone know how likely is it to happen? Is it something that regular maintenance will prevent or is just plain luck?

03-12-2010, 05:59 AM

#47 (permalink)

eric242340

Moderator

★

Date registered: May 2007
 Vehicle: S320 (W220) and
 Zotye 1.3
 Location: Zhenzhou, Henan,
 China
 Posts: 17,333

Quote:

Originally Posted by **jimgar** ⚡

After reading this thread and looking at other references about the balance shaft issue on other forums, I've learned that my 06 C350's vin falls under the range of affected models.

I'm glad I still have part of my warranty left, but it really has me worried about a looming \$4000 repair that could possibly happen after it runs out. Does anyone know how likely is it to happen? Is it something that regular maintenance will prevent or is just plain luck?

From my experience thus far it seems to be just luck or the lack of. Sorry

03-14-2010, 01:05 PM

#48 (permalink)

mbtech101

BenzWorld Member

★

Date registered: Mar 2010
 Posts: 51

Quote:

Originally Posted by **Achped** ⚡

Thats exactly what happened to mine. The CEL came on for both cams being out of time. When they tore the motor apart it turned out that the balance shaft actually was worn causing it.

Hopefully this won't happen again?

no it wont, the early balance shaft had different metals/material that failed. the new one is different

03-14-2010, 01:07 PM

#49 (permalink)

[mbtech101](#)
BenzWorld Member

★

Date registered: Mar 2010
Posts: 51

Quote:

Originally Posted by [eric242340](#) :

From my experience thus far it seems to be just luck or the lack of. Sorry

certain engine serial numbers are affected on the v6 and much more less likely on the v8. usually occurs around the 40k miles mark but seen it at 100k once

03-14-2010, 01:10 PM

#50 (permalink)

[mbtech101](#)
BenzWorld Member

★

Date registered: Mar 2010
Posts: 51

Quote:

Originally Posted by [samm](#) :

*Hey guys,
thought I'd put a little info here for those who cant afford to let the dealer take 4500 to do this job. I will do a full write up of how I went about it in due course...*

But now I need some urgent help please. I need someone who has the WIS software to please tell me how to set the position of the camshafts as the timing was messed up due to the masslively worn out balance shaft.

Its a 2006 clk350 with 272.960 engine. I have the alldata settings but they appear to be wrong as the camshafts are completely wrongly set (wrong valves will be opening contrary to the firing order 1,4,3,6,2,5) if I go with their setting.

I really would appreciate the help and I will be helping others with my write up as well.

Thank you very much in advance.

if the balance shaft was completely worn and u marked the cam to the chain it should be perfect to the new shaft, it doesnt jump timing when this happens. i can set the timing with my eyes closed on these. the exhaust cam gears have to locked before removal, did u do that?

03-14-2010, 01:12 PM

#51 (permalink)

[mbtech101](#)
BenzWorld Member

★

Date registered: Mar 2010
Posts: 51

if you beat on the [car](#) it will occur much sooner than driving like a grandma

04-23-2010, 12:39 PM

#52 (permalink)

[Kcwesq](#)
BenzWorld Newbie

Date registered: Apr 2010
Posts: 2

balance shaft E-350

I was just informed that my 2006 e-350 needs to get the [balance](#) shaft replaced. Unfortunately, I am out of warranty; if they would have caught this problem 3 weeks ago when i brought it in for service, my warranty would have covered it. Now I am sol. I need to know if there have been any recalls or problems with the E-350 balance shafts.

04-23-2010, 07:22 PM

#53 (permalink)

[rudenev](#)
BenzWorld Elite

★

Date registered: Dec 2004
Vehicle: 2002 C240 (current),
2001 ML320 (former)
Location: Birmingham, AL
Posts: 1,864

Three weeks? Ask the dealer if they can get MBZ to cover it under "good will".

--

- RODNEY

<div>04-23-2010, 09:54 PM</div> <div>#54 (permalink)</div>	
<div>eric242340</div> <div>Moderator</div> <div>★</div> <div>Date registered: May 2007</div> <div>Vehicle: S320 (W220) and Zofye 1.3</div> <div>Location: Zhenzhou, Henan, China</div> <div>Posts: 17,334</div>	<div>Quote:</div> <div>Originally Posted by kcwesq ▶</div> <div><i>I was just informed that my 2006 e-350 needs to get the balance shaft replaced. Unfortunately, I am out of warranty; if they would have caught this problem 3 weeks ago when i brought it in for service, my warranty would have covered it. Now I am sol. I need to know if there have been any recalls or problems with the E-350 balance shafts.</i></div> <div>You should of had the cel on a few times before this happened, me thinks you are being cheated. 🙄</div> <div>ERIC.</div>
<div>04-24-2010, 07:08 PM</div> <div>#55 (permalink)</div>	
<div>kcwesq</div> <div>BenzWorld Newbie</div> <div>Date registered: Apr 2010</div> <div>Posts: 2</div>	<div>I was dismayed when the service guy told me that this will cost me about 5k and that he could not do anything for me; he told me straight out that I had to deal with MB directly. No good will at all. He also told my husband that the shaft could go bad due to: bad gas, type of oil and high temperatures!! I mean, I took the damn car to every single service required, never mistreated it (i considered it my baby) it was the dealer who changed the oil and it never overheated. I mean, do they think I am stupid or what? I cant believe that one of the strongest parts of an <u>engine</u> could just go bad due to gas, oil and overheating!! I need to know if there was any recalls on this or any concession of this problem by MB. Thanks everyone</div>
<div>04-27-2010, 04:48 PM</div> <div>#56 (permalink)</div>	
<div>MBtech2009</div> <div>BenzWorld Member</div> <div>★</div> <div>Date registered: Nov 2009</div> <div>Posts: 92</div>	<div>First of all, i wouldn't call the balance shaft one of the strongest parts of the engine, but that really isn't important, the gear is the problem. Mercedes knows there is a problem with the gears on early 272 and 273 <u>engines</u>. The gears were not properly hardened from the manufacturer of the part and therefore the gear wears downover time. Mercedes should help you out with this, there is nothing you could have done to cause or prevent this so you should not feel like it is your fault at all.</div>
<div>04-27-2010, 08:56 PM</div> <div>#57 (permalink)</div>	
<div>F150SC</div> <div>BenzWorld Member</div> <div>★</div> <div>Date registered: Feb 2008</div> <div>Vehicle: 2006 C230 Sport, 96 C220 , 06 Ford F150Sc, 04 Honda Pilot EXL</div> <div>Location: Rancho Belago , California</div> <div>Posts: 51</div>	<div>Quote:</div> <div>Originally Posted by MBtech2009 ▶</div> <div><i>First of all, i wouldn't call the balance shaft one of the strongest parts of the engine, but that really isn't important, the gear is the problem. <u>Mercedes</u> knows there is a problem with the gears on early 272 and 273 engines. The gears were not properly hardened from the manufacturer of the part and therefore the gear wears downover time. Mercedes should help you out with this, there is nothing you could have done to cause or prevent this so you should not feel like it is your fault at all.</i></div> <div>I have an early 272 with 45K miles, most early 272's probably have close to 60K miles by now, so these are suppose to fail between 35K and 90K for 100% of all 272's. I already budgeted \$4,000 for this event between now and 90K miles, if it happens within the next 5 years, \$4,000 is worth the money to keep a well kept car running, beyond that , it depends.</div>
<div>04-29-2010, 04:10 AM</div> <div>#58 (permalink)</div>	
<div>MBtech2009</div> <div>BenzWorld Member</div> <div>★</div> <div>Date registered: Nov 2009</div> <div>Posts: 92</div>	<div>I don't think that this will happen to 100% of 272 or 273 engines. Mercedes knows the last engine number for the 272 and 273 engines that had the possibility of having the incorrectly hardened balance shaft. My guess is that the only reason that mercedes never issued a recall campaign for these early engines is that they don't know which ones have the incorrectly hardened balance shaft gear and which ones do. The only way to tell the part number of the balance shaft is to take the engine apart and look at it, and mercedes doesn't want to pay to take all of these engines apart if a large majority of them are not going to fail. Or it could be that they figure alot of them are going to make it out of warranty and that is what they care about, i'm really not sure. I just think that if they knew which ones were bad they would have fixed them instead of just coming out with a dtb, which originally came out in august of 2007.</div>
<div>04-29-2010, 05:56 PM</div> <div>#59 (permalink)</div>	

F150SC
BenzWorld Member



Date registered: Feb 2008
Vehicle: 2006 C230 Sport, 96
C220, '06 Ford F150Sc, 04
Honda Pilot EXL
Location: Rancho Belago,
California
Posts: 51

Quote:

Originally Posted by MBtech2009 ↗

I don't think that this will happen to 100% of 272 or 273 engines. Mercedes knows the last engine number for the 272 and 273 engines that had the possibility of having the incorrectly hardened balance shaft. My guess is that the only reason that mercedes never issued a recall campaign for these early engines is that they don't know which ones have the incorrectly hardened balance shaft gear and which ones do. The only way to tell the part number of the balance shaft is to take the engine apart and look at it, and mercedes doesn't want to pay to take all of these engines apart if a large majority of them are not going to fall. Or it could be that they figure alot of them are going to make it out of warranty and that is what they care about, I'm really not sure. I just think that if they knew which ones were bad they would have fixed them instead of just coming out with a dtb, which originally came out in august of 2007.

My Indy mechanics answer to the question of the possibility of a balance shaft gear failure is "Yes and No". I do believe in your theory that it is a random failure in quality, not a total across the board failure of those gears.

06-22-2010, 05:31 AM

#60 (permalink)

pauldunton
BenzWorld Junior Member

Date registered: Dec 2009
Posts: 6

Anyone experiencing similiar problems with this engine please email your information to hmexecutive@yahoo.com she is trying to get a suit going.

07-06-2010, 03:50 PM

#61 (permalink)

Galene Reese
BenzWorld Newbie

Date registered: May 2009
Posts: 2

I am about to have a Gear on the balance shaft on my 2006 C240 replaced. The CEL stays on after servicing. Estimated at \$4000.00. Is this normal? I have 68,000 miles.

07-06-2010, 04:06 PM

#62 (permalink)

Galene Reese
BenzWorld Newbie

Date registered: May 2009
Posts: 2

I am about to have a Gear on the balance shaft on my 2006 C240 replaced. The CEL stays on after servicing. Estimated at \$4000.00. Is this normal? I have 68,000 miles.

07-27-2010, 11:59 AM

#63 (permalink)

C Velez
BenzWorld Junior Member

Date registered: Jul 2010
Posts: 6

I have a 2006 ML350 with 56,000 miles at the dealer right now to replace the balance shaft. I've started a facebook page for owners who have had the same problems with that motor to get everyone together with this issue. Maybe a possible class action in the future??

Join at Mercedes - Benz (Balance Shaft Problems) | Facebook
Or on facebook, search Mercedes - Benz (balance shaft problem)

07-27-2010, 04:08 PM

#64 (permalink)

pcy
BenzWorld Extremist



Date registered: Feb 2005
Vehicle: '07 C280, '04
C320, '98 ML320
Location: Nashua, NH

Are you guys talking about Harmonic Balance Pulley? I am aware of the Harmonic Balance pulley problem on ML; however, I have not heard about the Harmonic Balance shaft problems.

Posts: 1,186	
08-16-2010, 06:20 PM	#65 (permalink)
<u>suds4333</u> BenzWorld Newbie Date registered: Feb 2009 Posts: 4	I am looking for someone with the Balance Shaft issue that is the original owner of their Mercedes. I have a class action attorney and he is looking for another person to be named in the class action case. Contact me at greg@suddreth.com or 815-557-5731

EXHIBIT 2

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PeachParts Mercedes ShopForum > Technical Information and Support > ML GL, G-Wagen, R-Class, Unimog, Sprinter ML350 3.5L Balance Shaft Failure		User Name <input type="text" value="User Name"/> <input type="checkbox"/> Remember Me? Password <input type="password"/> <input type="button" value="Log In"/>
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02-20-2010, 11:05 AM

jc300e

Registered User

ML350 3.5L Balance Shaft Failure

What a surprise!.. Wife's '06 ML350 had intermittent CEL. Last year, dealer replaced cam / timing position sensors. Problem continued to occur with CEL coming on even more frequently. NOW, they tell me that the Balance Shaft has a bad gear and it is deteriorating. 73K miles. Thank goodness for extended warranties. Finding from other web site threads and blogs that MB USA is not consistent with the treatment of customers... some customers are bearing the full cost of the repair while others are being offered "good will" discounts. Appears there had been a service bulliten out for 2 1/2 years on this problem with no sign that MBUSA is stepping up to cover a known fault. roughly 10 updates to the bulliten adding vehicles to the list.

Any other Shop Forum members experiencing this? Not exactly the kind of news one expects when you take your late model Benz in for a CEL... "Oh Mr. Customer, we have to take your engine out and apart.... 5 days and \$5K later... good as new"

And... What's to prevent the replacement components from wearing out the same way?... ie...is the problem "really" a faulty crafted part or is it a design issue?"

Finally. what other 06 models have the same 3.5L installed? the R, E, C classes ?

Jeff

'87 300E
'92 400E
'06 ML350

#1

Join Date: May 2000
Location: Location: Norcross, GA
Posts: 77

02-20-2010, 12:41 PM

Ruination Fan

Registered User

#2

Join Date: Jan 2008
Location: San Diego
Posts: 56

The first run of production motors had a balance shaft gear that was too soft, and in turn the chain would wear it out prematurely. The new updated balance shaft gear has not shown any issues.



02-20-2010, 03:26 PM

#3

Ferdman
Registered User

Join Date: Aug 2002
Location: Southeastern PA
Posts: 1,605

Please explain what a balance shaft gear is. Never heard such a term before. Are you referring to a vibration dampener?

Fred Hoelzle



02-20-2010, 10:58 PM

#4

Ruination Fan
Registered User

Join Date: Jan 2008
Location: San Diego
Posts: 56

Its the gear that is mounted to the balance shaft. the balance shaft helps smooth out the v6 motor (believe it is a 90* V6, due to the modular construction) by using a counterweight. The gear is driven by the timing chain.



02-22-2010, 08:14 AM

#5

M.B.DOC
Moderator

Join Date: Mar 1999
Location: Tucker, Ga USA
Posts: 10,513

Not just ML's but all MB's equipped with the M272/M273 series engines from 2005-08.

That is 1 of many reasons MB now suggests a maxi mun oil service of 10K miles as well.

MERCEDES Benz Master Guild Technician (6 TIMES)
ASE Master Technician
Mercedes Benz Star Technician (2 times)
40 years foreign automotive repair
27 Years M.B. Shop foreman (dealer)
MB technical information Specialist (12 years)
190E 2.3 16V ITS SCCA race car (sold)
1986 190E 2.3 16V 2.5 (sold)
mbdoc-pe@hotmail.com



02-24-2010, 03:37 PM

#6



Zeus
Moderating, Eh?

Join Date: Feb 2000
Location: Canada
Posts: 1,724

Worn gear replacement

I just had this done to my 2007 GL450, under warranty thank heaven! ☹️

It was a shock to visit the dealer and see my *new* GL sitting there with a gaping hole in the engine compartment! ☹️ ☹️

Thankfully, they really took their time and the tech working on it was a senior tech with experience. They

had already done a few of these. They replaced a few other items there as well, everything covered, including all the solenoid units. I took a look at the engine afterwards with a critical eye and things looked really good, nothing out of place.

I asked the tech if there were any stray bolts left at the end, he just gave me a look...🙄

Talk about a massive job for a tiny part. He showed me the worn gear, the teeth were visibly worn, substantially so. The engine appeared to be in excellent shape otherwise, everything clean and no signs of wear.

Oh, and they also fixed my wouldn't-stay-shut coin tray. 🙄

C.

Chris

2007 E550 4Matic - 61,000 Km - Iridium Silver, black leather, Sport package, Premium package

2007 GL450 4Matic - 62,000 Km - Obsidian Black Metallic, black leather, all options

1998 E430 - for sale!

1989 300E - 333,000 Km - sold

1977 280E - sold

1971 250 - retired

"And a frign hat. They gave me a hat at the annual benefits meeting. I said. how does this benefit me. I dont have anything from the company.. So they gave me a hat." - TheDon



02-24-2010, 03:39 PM

#7



Zeus

Moderating, Eh?

Join Date: Feb 2000
Location: Canada
Posts: 1,724

Quote:

Originally Posted by **M.B.DOC**

Not just ML's but all MB's equipped with the M272/M273 series engines from 2005-08.

That is 1 of many reasons MB now suggests a maxi mun oil service of 10K miles as well.

Are the shorter intervals supposed to help prevent wear on this part?

Any more insight on the M273 I should be aware of Doc? TIA.

Chris

2007 E550 4Matic - 61,000 Km - Iridium Silver, black leather, Sport package, Premium package

2007 GL450 4Matic - 62,000 Km - Obsidian Black Metallic, black leather, all options

1998 E430 - for sale!

1989 300E - 333,000 Km - sold

1977 280E - sold

1971 250 - retired

"And a frign hat. They gave me a hat at the annual benefits meeting. I said. how does this benefit me. I dont have anything from the company.. So they gave me a hat." - TheDon



02-24-2010, 09:19 PM

#8



jc300e


Registered User

Join Date: May 2000
Location: Location: Norcross, GA
Posts: 77

Got the wife's ML back today... so far so good. The rap sheet i 5 pages of R&R this, R&R that, plus a list of every sleeve, seal and bolt you can imagine... Also replaced Oil Bump & pick up tube, balance shaft (of course), chain tensioner, cam plugs, valve timing solenoid units, every fluid that flows through its veins.

QUESTION - what's up with filling the engine with Mineral Oil, running, draining then changing the oil again and replacing the Mineral Oil with typical Synthetic ? just curious what's special about MO?

Finally - what would happen if one did not have this issue resolved?

Jeff
'87 300E
'92 400E
'06 ML350




02-25-2010, 08:05 AM

#9

M.B.DOC 
Moderator

Join Date: Mar 1999
Location: Tucker, Ga USA
Posts: 10,513

Using regular "mineral" oil is FINE...but oil change interval needs to be 5K miles not 10K!

Also in cold weather you might need to run lighter weight oil.

The timing chain can jump & bend all of the valves! Plus you wouldn't pass your emissions test.

MERCEDES Benz Master Guild Technician (6 TIMES)
ASE Master Technician
Mercedes Benz Star Technician (2 times)
40 years foreign automotive repair
27 Years M.B. Shop foreman (dealer)
MB technical information Specialist (12 years)
190E 2.3 16V ITS SCCA race car (sold)
1986 190E 2.3 16V 2.5 (sold)
mbdoc-pe@hotmail.com



02-25-2010, 11:17 AM


#10



Zeus 
Moderating, Eh?

Join Date: Feb 2000
Location: Canada
Posts: 1,724

Quote:

Originally Posted by **jc300e** 
Got the wife's ML back today... so far so good. The rap sheet i 5 pages of R&R this, R&R that, plus a list of every sleeve, seal and bolt you can imagine... Also replaced Oil Bump & pick up tube, balance shaft (of course), chain tensioner, cam plugs, valve timing solenoid units, every fluid that flows through its veins.

QUESTION - what's up with filling the engine with Mineral Oil, running, draining then changing the oil again and replacing the Mineral Oil with typical Synthetic ? just curious what's special about MO?

Finally - what would happen if one did not have this issue resolved?

Exact same here, it's obviously the same procedure at all dealers. Same parts replaced, etc. They also did the multiple oil changes. I'm guessing that they do the initial quick run and drain to flush out any contaminants that may have entered the engine during the R&R. Hence the use of cheap oil. Since they are only using that oil change as a flush, why use full synthetic? Makes sense to use cheaper oil. Then they verify operation and no codes and then fill up with the proper oil and filter.

On one hand, it's sad to see such a beautiful piece of engineering in pieces! On the other hand, the engine gets an early mid-life inspection and you get all fluids changed (like compressor oil, refrigerant, antifreeze, etc.).

Chris

2007 E550 4Matic - 61,000 Km - Iridium Silver, black leather, Sport package, Premium package

2007 GL450 4Matic - 62,000 Km - Obsidian Black Metallic, black leather, all options

1998 E430 - for sale!

1989 300E - 333,000 Km - sold

1977 280E - sold

1971 250 - retired

"And a frign hat. They gave me a hat at the annual benefits meeting. I said. how does this benefit me. I dont have anything from the company.. So they gave me a hat." - TheDon



02-28-2010, 08:34 AM

#11

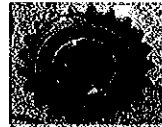
Darktech

Sagemeister

Join Date: Jan 2010
Location: Obamanation
Posts: 2

Here is what the offending part looks like and comparison pics:

Attached Thumbnails



02-28-2010, 08:36 AM

#12

Darktech

Sagemeister

Join Date: Jan 2010
Location: Obamanation
Posts: 2

Here is a link to the attached TSB document for your viewing pleasure:

<http://www.motor-talk.de/forum/aktio...hmentId=681441>



03-02-2010, 07:44 PM

#13



Zeus

Moderating, Eh?

Join Date: Feb 2000
Location: Canada
Posts: 1,724



Thanks Darktech, useful info.

Chris

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2007 GL450 4Matic - 62,000 Km - Obsidian Black Metallic, black leather, all options

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"And a frign hat. They gave me a hat at the annual benefits meeting. I said. how does this benefit me. I dont have anything from the company.. So they gave me a hat." - TheDon

03-18-2010, 08:45 PM

#14

Johnhef
 Senior Member

Join Date: Feb 2005
 Location: Frederick, Md
 Posts: 4,493
[View Photos By: Johnhef](#)

Ahh the wonderful M27X balance shaft issue. I haven't had one in awhile so I'm probably due to get one. It's kinda like playing russian roulette when you get a m272/3 engined vehicle with the check engine light on. You have to ask yourself, "Do I feel lucky today?" and hope that the fault code turns out to be for just one of the cam adjuster solenoids and not the the fault codes-o-death, 1200 and 1208, indicating constant adjustment.

Anyways for anyone wondering the vehicles I've seen come through needing this have been mostly 2006-7 models but not limited to that as MBDOC said. ML350, R350, C230, S550, GL450 just to name a few. My experience has been limited to 2 GL450's and one ML350.

1978 300D
 1980 500SE/AMG Euro
 1981 300SD
 1981 500SEL Euro
 1982 380SEL
 1983 380SEC
 1983 500SEC/AMG Euro
 1984 500SEC
 1984 300TD Euro
 1986 190E 2.3-16
 1987 300D
 1991 300D 2.5
 1997 C36 AMG

past: 1969 280SE 4.5 | 1978 240D | 1981 300SD | 1982 300CD | 1983 300CD | 1983 300SD | 1984 300D | 1984 300D | 1984 300TD | 1984 500SEL | 1984 300SD | 1985 300D | 1986 300E | 1986 560SEL | 1986 560SEL/Carat | 1987 560SEC | 2006 R350

GWS-MBCA Vice President
[Join us!](#) I am #H013278

03-19-2010, 12:31 PM

#15

ILUVMILS
 Senior Member

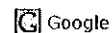
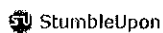
Join Date: Sep 2002
 Location: North Jersey, U.S.A.
 Posts: 1,775

I've got two at my shop right now, an ML and an R Class. It looks like two of my guys will be busy for the next few days. ☹️ They're both out of warranty, but I'm sure MB will help out.

ILUVMILS
 MB Shop Foreman
 MB Master Technician
 MB Master Guild Tehnician 2007
 Factory trained in NJ, PA, AL, CA, FLA,
 and Germany

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ML, GL, G-Wagen, R-Class, Unimog, Sprinter



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03-19-2010, 12:54 PM

Zeus

Moderating, Eh?

#16

Join Date: Feb 2000
Location: Canada
Posts: 1,724

Quote:

Originally Posted by **ILUVMILS**

I've got two at my shop right now, an ML and an R Class. It looks like two of my guys will be busy for the next few days. They're both out of warranty, but I'm sure MB will help out.

My tech was telling me about a colleague in LA (Benz tech) who said this repair was helping keep the dealership afloat with sales down! Lol...probably a bit of hyperbole, but there is likely some truth to it!

ILUVMILS - In your opinion as a tech, can the engine really be put back together as well as factory, assuming the tech working on it is experienced and competent? Just curious.

Chris

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"And a frign hat. They gave me a hat at the annual benefits meeting. I said. how does this benefit me. I dont have anything from the company.. So they gave me a hat." - TheDon

Quote

03-19-2010, 10:06 PM

Johnhef

Senior Member

#17

Join Date: Feb 2005
Location: Frederick, Md
Posts: 4,493

[View Photos By: Johnhef](#)

The only ones MB hasn't helped out on at our place have been Carmax vehicles.



1978 300D
1980 500SE/AMG Euro
1981 300SD
1981 500SEL Euro
1982 380SEL
1983 380SEC
1983 500SEC/AMG Euro
1984 500SEC
1984 300TD Euro
1986 190E 2.3-16
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past: 1969 280SE 4.5 | 1978 240D | 1981 300SD | 1982 300CD | 1983 300CD | 1983 300SD | 1984 300D | 1984 300D | 1984 300TD | 1984 500SEL | 1984 300SD | 1985 300D | 1986 300E | 1986 560SEL | 1986 560SEL/Carat | 1987 560SEC | 2006 R350

GWS-MBCA Vice President
Join us! I am #H013278



03-20-2010, 12:00 PM

#18



ILUVMILS
Senior Member

Join Date: Sep 2002
Location: North Jersey, U.S.A.
Posts: 1,775

Quote:

Originally Posted by **Zeus**

....**ILUVMILS** - *In your opinion as a tech, can the engine really be put back together as well as factory, assuming the tech working on it is experienced and competent? Just curious.*

Yeah, we've been doing them for a couple of years now with no problems. It's really not **that** big a deal when you get right down to it. Of course, some guys like doing engine work, while others would rather replace an evaporator, or a windshield, etc. For this reason, less than half the balance shaft jobs in my shop are done by the tech who makes the original diagnosis.

ILUVMILS
MB Shop Foreman
MB Master Technician
MB Master Guild Tehnician 2007
Factory trained in NJ, PA, AL, CA, FLA,
and Germany



03-21-2010, 08:43 PM

#19



Zeus
Moderating, Eh?

Join Date: Feb 2000
Location: Canada
Posts: 1,724

Quote:

Originally Posted by **ILUVMILS**

*Yeah, we've been doing them for a couple of years now with no problems. It's really not **that** big a deal when you get right down to it. Of course, some guys like doing engine work, while others*

would rather replace an evaporator, or a windshield, etc. For this reason, less than half the balance shaft jobs in my shop are done by the tech who makes the original diagnosis.

Good to know, thanks for sharing.

That seems to be the same at my dealer's shop. The senior tech did my engine and another younger tech replaced a wiring harness and a DVD screen for the rear headrest entertainment unit.

When I went in to check on the progress, the engine was out and I was immediately impressed with how neat and organised all the disassembled parts were. The tech was obviously quite fastidious, which I appreciated and thanked him for.

Cheers,
C.

Chris

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"And a frign hat. They gave me a hat at the annual benefits meeting. I said, how does this benefit me. I dont have anything from the company.. So they gave me a hat." - TheDon



03-29-2010, 11:06 PM

#20

billtinvegas

Registered User

Join Date: Mar 2010
Posts: 1

2006 R350 Blown Engine

My CEL had come on only once before and I limped to the MB dealer where I removed and resealed the gas cap and the car started right away with no problems. The Service Advisor took the car in to check for codes and came back saying that it didn't show anything. That was three months ago

Last Thursday driving on freeway at the end of a 150 mile trip the CEL came on and engine appeared to go into "limp" mode. As I decelerated and moved to right shoulder a crunching sound and LOTS of white smoke out the back. As I came to a stop and the smoke cleared I could see an oil slick marking my trail from where I heard the crunch.

The car has 89M miles and MB says they can't help - the dealer says it will be near \$20M to replace the engine! The dealer has done all recommended service at the recommended intervals. This was my first MB and I didn't buy the extended warranty.

I have asked for the error codes and if its the dreaded 1200 or 1208 do you think that the balance shaft gears being worn could have caused this?



03-30-2010, 08:13 AM

#21

M.B.DOC

Moderator

Join Date: Mar 1999
Location: Tucker, Ga USA
Posts: 10,513

Run from that dealer!

I'm sure you can get a good used engine installed for less than 1/3 of that quote.

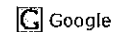
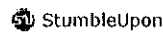
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ASE Master Technician

Mercedes Benz Star Technician (2 times)
40 years foreign automotive repair
27 Years M.B. Shop foreman (dealer)
MB technical information Specialist (12 years)
190E 2.3 16V ITS SCCA race car (sold)
1986 190E 2.3 16V 2.5 (sold)
mbdoc-pe@hotmail.com



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